

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MANUEL MAIRS, *et al.*,

Plaintiffs,

vs.

NYE COUNTY, NEVADA, *et al.*,

Defendants.

Case No. 2:10-cv-00874-JCM-PAL

**ORDER**

The court conducted a hearing on Defendant Nye County's Motion to Compel Subpoena Response (Dkt. #65), Permit Filing Under Seal (Dkt. #66), and Extend Discovery and Related Deadlines (Dkt. #67) on July 19, 2011. Lisa Rasmussen appeared on behalf of the Plaintiffs, and Brent Ryman and Christie Kendall appeared on behalf of the Defendants. Counsel for non-party deponent, Charlene Mairs, did not appear.

In a prior Order (Dkt. #73) the court granted non-party deponent Charlene Mairs' Motion to Extend Time to File an Objection to Defendant's Motion to Compel Subpoena Response. The court gave counsel for non-party Charlene Mairs until July 5, 2011, to file a response to the motion, and permitted counsel to file the response under seal, but required the response to contain a showing of good cause for keeping the response under seal following the Ninth Circuit's direction in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006). However, counsel did not file an opposition or objection to the motion, and did not appear at the hearing. Having reviewed and considered the moving and responsive papers, and for good cause shown,

**IT IS ORDERED** that:

1. Defendant Nye County's Motion to Compel Subpoena Response (Dkt. #65) is **GRANTED**. Non-party witness, Charlene Mairs, shall be required to respond to the


subpoena *duces tecum* served on her in this action no later than 30 days from entry of this order. Non-party witness, Charlene Mairs, shall also be required to appear for a duly noticed deposition and provide testimony under oath in this action no later than 30 days from entry of this order, unless counsel for the parties and non-party witness agree to a later date and time for Ms. Mairs to appear for her deposition.

2. Defendant Nye County's Motion to Permit the Parties to File Under Seal (Dkt. #66) is **GRANTED**, and any confidential information received from Charlene Mairs shall be treated as confidential pursuant to the terms of the court's Protective Order (Dkt. #58) entered in this case. Confidential materials received from Charlene Mairs may be filed under seal, and shall not be disseminated or used for any purpose except as directed in the court's Protective Order (Dkt. #58).
3. The Defendants' Request for an Extension of the Discovery Cutoff and Related Case Management Deadlines (Dkt. #67) in which Plaintiffs and individual Defendants Beckett and Toppo have joined is **GRANTED**, and the Discovery Plan and Scheduling Order deadlines are extended as follows:
  - a. Last date to complete discovery: **October 17, 2011.**
  - c. Last date to amend pleadings and add parties: **Expired**
  - d. Last date to file interim status report: **August 18, 2011.**
  - e. Last date to disclose experts pursuant to Fed. R. Civ. P. 26(a)(2): **August 18, 2011.**
  - f. Last date to disclose rebuttal experts: **September 19, 2011.**
  - g. Last date to file dispositive motions: **November 16, 2011.**
  - h. Last date to file joint pretrial order: **December 16, 2011.** In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after a decision of the dispositive motions.
  - i. The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections thereto, shall be included in the pretrial order.
  - j. Applications to extend any dates set by this discovery plan and scheduling order

1 shall, in addition to satisfying the requirements of LR 6-1, be supported by a  
2 showing of good cause for the extension. All motions or stipulations to extend  
3 discovery shall be received no later than **4:00 p.m., September 26, 2011**, and  
4 shall fully comply with the requirements of LR 26-4.

- 5 4, Counsel for Nye County shall serve a copy of this order on counsel for non-party  
6 Charlene Mairs and shall file a Certificate of Service reflecting the order has been served  
7 with the clerk of the court.

8 Dated this 20<sup>th</sup> day of July, 2011.

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11 Peggy A. Leen  
12 United States Magistrate Judge  
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